

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHEASTERN DIVISION

UNITED STATES OF AMERICA	)	<u>SECOND SUPERS E D I N G</u>
	)	<u>I N D I C T M E N T</u>
-vs-	)	
	)	Case No. 3:06-cr-132
	)	
RENE ENRIQUE ZENDEJAS,	)	Violation: 21 U.S.C. §§ 841(a)(1),
a/k/a RICKY SHAW,	)	846; and 18 U.S.C. §§ 2 and 922(g)(1),
a/k/a JOSE ENRIQUE ZENDEJAS,	)	924(a)(2), 924(c)(1)(A), 924(e)(1) and (2),
a/k/a ALBERTO JUAREZ ZENDEJAS,	)	1512(a)(2)(A) and (B), and 1956(h)
a/k/a ENRIQUE JOSE ZENDEJAS,	)	
a/k/a RENE ZENDEJAS;	)	
ALBERTO CHAHIA,	)	
a/k/a CHINGONE;	)	
RUBEN AARON NIETO JR.,	)	
a/k/a GOBLIN;	)	
TIMOTHY CHARLES HORN,	)	
a/k/a T MONEY;	)	
KELLY DEAN OVERBY;	)	
KELLEN CONLON STRUTZ;	)	
RENDELL RAE KLEIN;	)	
LANDON WANG, a/k/a LOCS; and	)	
DANIEL EDWARD SMELTZER,	)	
a/k/a SMURF,	)	

COUNT ONE

**Conspiracy to Possess with Intent to Distribute and Distribute a Controlled Substance**

The Grand Jury Charges:

From on or about January 1, 2006, and continuously until the date of this Second  
Superseding Indictment, in the District of North Dakota, and elsewhere,

RENE ENRIQUE ZENDEJAS, a/k/a RICKY SHAW,  
a/k/a JOSE ENRIQUE ZENDEJAS, a/k/a ALBERTO JUAREZ ZENDEJAS,  
a/k/a ENRIQUE JOSE ZENDEJAS, a/k/a RENE ZENDEJAS;  
ALBERTO CHAHIA, a/k/a CHINGONE;

RUBEN AARON NIETO JR., a/k/a GOBLIN;  
TIMOTHY CHARLES HORN, a/k/a T MONEY;  
KELLY DEAN OVERBY;  
KELLEN CONLON STRUTZ;  
RENDELL RAE KLEIN;  
LANDON WANG, a/k/a LOCS; and  
DANIEL EDWARD SMELTZER, a/k/a SMURF,

did knowingly and intentionally combine, conspire, confederate, and agree together and with others, both known and unknown to the grand jury, to possess with intent to distribute and distribute in excess of 500 grams of a mixture and substance containing a detectable amount of methamphetamine, in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

Overt Acts

In furtherance of this conspiracy and to effect and accomplish the objects of it, one or more of the conspirators committed the following overt acts:

1. It was a part of said conspiracy that the defendants and others would and did possess with intent to distribute and did distribute in excess of 500 grams of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, within the states of North Dakota, Minnesota, California, and elsewhere.
2. It was further a part of said conspiracy that the defendants and others would and did attempt to conceal their activities.
3. It was further a part of said conspiracy that the defendants and others would and

did use telecommunication facilities.

4. It was further a part of said conspiracy that the defendants and others would and did use United States currency in their drug transactions.

5. During the course of said conspiracy, members of the conspiracy, both known and unknown to the grand jury, transferred and arranged the transfer of methamphetamine from California and elsewhere to the Red River Valley area for distribution.

6. During the course of said conspiracy, members of the conspiracy used violence and the threat of violence to further the conspiracy;

In violation of Title 21, United States Code, Section 846; Pinkerton v. United States, 328 U.S. 640 (1946).

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COUNT TWO

**Use of a Firearm During a Drug Trafficking Crime**

The Grand Jury Further Charges:

On or about September 16, 2006, in the District of North Dakota,

RENE ENRIQUE ZENDEJAS, a/k/a RICKY SHAW,  
a/k/a JOSE ENRIQUE ZENDEJAS, a/k/a ALBERTO JUAREZ ZENDEJAS,  
a/k/a ENRIQUE JOSE ZENDEJAS, a/k/a RENE ZENDEJAS, and  
TIMOTHY CHARLES HORN, a/k/a T MONEY,

did knowingly use, possess, carry, brandish, and discharge a firearm during and in  
relation to and in furtherance of a drug trafficking crime for which he may be prosecuted  
in a court of the United States, to wit: conspiracy to possess with intent to distribute and  
distribute controlled substances, as set forth in Count One above;

In violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

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COUNT THREE

**Possession of a Firearm by a Convicted Felon**

The Grand Jury Further Charges:

On or about September 16, 2006, in the District of North Dakota, and elsewhere,

RENE ENRIQUE ZENDEJAS, a/k/a RICKY SHAW,  
a/k/a JOSE ENRIQUE ZENDEJAS, a/k/a ALBERTO JUAREZ ZENDEJAS,  
a/k/a ENRIQUE JOSE ZENDEJAS, a/k/a RENE ZENDEJAS,

having been convicted of three or more violent felonies or serious drug offenses each occurring on occasions different from one another and each crime punishable by imprisonment for a term exceeding one year: (1) Possession or Purchase for Sale of Designated Controlled Substances, a felony, in violation of Health and Safety Code section 11351, in Superior Court of California, County of Riverside, Court File Number ICR16256, on March 23, 1993; (2) Burglary, a felony, in violation of Penal Code section 459, in Superior Court of California, County of Riverside, Court File Number ICR21054, on January 4, 1995; (3) Possession or Purchase for Sale of Designated Controlled Substances, a felony, in violation of Health and Safety Code section 11351, in Superior Court of California, County of Riverside, Court File Number INF032495, April 3, 2000; (4) Receiving Stolen Property, a serious and violent felony, in violation of Penal Code section 496, in Superior Court of California, County of Riverside, Court File Number INF041194, on September 9, 2002; and (5) Possession of Controlled Substance for Sale, a felony, in violation of Health and Safety Code section 11378, in Superior Court of

California, County of Riverside, Court File Number INF05196, on September 1, 2005, did knowingly possess in and affecting commerce a firearm, specifically, a .32 caliber Colt, Model 1903, bearing serial number 414340;

In violation of Title 18, United States Code, Sections 922(g)(1), 924(a)(2), and 924(e)(1) and (2).

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COUNT FOUR

**Possession with Intent to Distribute a Controlled Substance**

The Grand Jury Further Charges:

On or about September 20, 2006, in the District of North Dakota and elsewhere,

RENE ENRIQUE ZENDEJAS, a/k/a RICKY SHAW,  
a/k/a JOSE ENRIQUE ZENDEJAS, a/k/a ALBERTO JUAREZ ZENDEJAS,  
a/k/a ENRIQUE JOSE ZENDEJAS, a/k/a RENE ZENDEJAS, and  
TIMOTHY CHARLES HORN, a/k/a T MONEY,

knowingly and intentionally possessed with intent to distribute approximately

144.2 grams of methamphetamine, a Schedule II controlled substance;

In violation of Title 21, United States Code, Section 841(a)(1), and Title 18,  
United States Code, Section 2.

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COUNT FIVE

**Possession of Firearms by a Convicted Felon**

The Grand Jury Further Charges:

On or about September 20, 2006, in the District of North Dakota, and elsewhere,

RENE ENRIQUE ZENDEJAS, a/k/a RICKY SHAW,  
a/k/a JOSE ENRIQUE ZENDEJAS, a/k/a ALBERTO JUAREZ ZENDEJAS,  
a/k/a ENRIQUE JOSE ZENDEJAS, a/k/a RENE ZENDEJAS,

having been convicted of three or more violent felonies or serious drug offenses each occurring on occasions different from one another and each crime punishable by imprisonment for a term exceeding one year: (1) Possession or Purchase for Sale of Designated Controlled Substances, a felony, in violation of Health and Safety Code section 11351, in Superior Court of California, County of Riverside, Court File Number ICR16256, on March 23, 1993; (2) Burglary, a felony, in violation of Penal Code section 459, in Superior Court of California, County of Riverside, Court File Number ICR21054, on January 4, 1995; (3) Possession or Purchase for Sale of Designated Controlled Substances, a felony, in violation of Health and Safety Code section 11351, in Superior Court of California, County of Riverside, Court File Number INF032495, April 3, 2000; (4) Receiving Stolen Property, a serious and violent felony, in violation of Penal Code section 496, in Superior Court of California, County of Riverside, Court File Number INF041194, on September 9, 2002; and (5) Possession of Controlled Substance for Sale, a felony, in violation of Health and Safety Code section 11378, in Superior Court of



California, County of Riverside, Court File Number INF05196, on September 1, 2005, did knowingly possess in and affecting commerce a firearm, specifically, a .32 caliber Colt, Model 1903, bearing serial number 414340, and a Ruger, Model P95 DC, 9mm pistol, bearing serial number 314-54881;

In violation of Title 18, United States Code, Sections 922(g)(1), 924(a)(2), and 924(e)(1) and (2).

COUNT SIX

**Possession of Firearms by a Convicted Felon**

The Grand Jury Further Charges:

On or about September 20, 2006, in the District of North Dakota, and elsewhere,

TIMOTHY CHARLES HORN, a/k/a T MONEY,

having been convicted of three or more violent felonies or serious drug offenses each occurring on occasions different from one another and each crime punishable by imprisonment for a term exceeding one year: (1) Felon in possession of a firearm, in violation of Minnesota Statute 624.713, Clay County, Minnesota, on October 17, 2003, Court File Number K1-02-1110; (2) Controlled substance crime in the third degree, in violation of Minnesota Statute 152.023, Clay County, Minnesota, on October 17, 2003, Court File Number K1-02-001695; (3) Controlled substance crime in the second degree, in violation of Minnesota Statute 152.022, Clay County, Minnesota, on January 18, 2001, in Court File Number K7-03-142; (4) Terrorizing, in violation of North Dakota Statute 12.1-17-04, Cass County, North Dakota, on June 16, 2003, in Court File Number 09-02-K-02640; (5) Felony possession of drug paraphernalia, in violation of North Dakota Statute 19-03.4-03, Cass County, North Dakota, on June 25, 2003, in Court File Number 09-03-K-0553; and (6) Felony possession of drug paraphernalia, in violation of North Dakota Statute 19-03.4-03, Cass County, North Dakota, on September 15, 2003, in Court File Number 09-03-K-02079, did knowingly possess in and affecting commerce

firearms, specifically, a .32 caliber Colt, Model 1903, bearing serial number 414340, and a Ruger, Model P95 DC, 9mm pistol, bearing serial number 314-54881;

In violation of Title 18, United States Code, Sections 922(g)(1), 924(a)(2), and 924(e)(1) and (2).

COUNT SEVEN

**Possession of a Firearm During a Drug Trafficking Crime**

The Grand Jury Further Charges:

On or about September 20, 2006, in the District North Dakota and elsewhere,

RENE ENRIQUE ZENDEJAS, a/k/a RICKY SHAW,  
a/k/a JOSE ENRIQUE ZENDEJAS, a/k/a ALBERTO JUAREZ ZENDEJAS,  
a/k/a ENRIQUE JOSE ZENDEJAS, a/k/a RENE ZENDEJAS, and  
TIMOTHY CHARLES HORN, a/k/a T MONEY,

did knowingly possess a firearm during and in relation to and in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, to wit: conspiracy to distribute controlled substances and possession with intent to distribute controlled substance, as set forth in Count One and Count Four above;

In violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

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COUNT EIGHT

**Possession with Intent to Distribute a Controlled Substance**

The Grand Jury Further Charges:

On or about September 21, 2006, in the District of North Dakota,

TIMOTHY CHARLES HORN, a/k/a T MONEY,

knowingly and intentionally possessed with intent to distribute approximately

47.52 grams of methamphetamine, a Schedule II controlled substance, in Fargo,

North Dakota;

In violation of Title 21, United States Code, Section 841(a)(1), and Title 18,  
United States Code, Section 2.

COUNT NINE

**Possession of Ammunition by a Convicted Felon**

The Grand Jury Further Charges:

On or about September 21, 2006, in the District of North Dakota,

TIMOTHY CHARLES HORN, a/k/a T MONEY,

having been convicted of three or more violent felonies or serious drug offenses each occurring on occasions different from one another and each crime punishable by imprisonment for a term exceeding one year: (1) Felon in Possession of a Firearm, in violation of Minnesota Statute 624.713, Clay County, Minnesota, on October 17, 2003, Court File Number K1-02-1110; (2) Controlled substance crime in the third degree, in violation of Minnesota Statute 152.023, Clay County, Minnesota, on October 17, 2003, Court File Number K1-02-001695; (3) Controlled substance crime in the second degree, in violation of Minnesota statute 152.022, Clay County, Minnesota, on January 18, 2001, in Court File Number K7-03-142; (4) Terrorizing, in violation of North Dakota Statute 12.1-17-04, Cass County, North Dakota, on June 16, 2003, in Court File Number 09-02-K-02640; (5) Felony possession of drug paraphernalia, in violation of North Dakota Statute 19-03.4-03, Cass County, North Dakota, on June 25, 2003, in Court File Number 09-03-K-0553; and (6) Felony possession of drug paraphernalia, in violation of North Dakota Statute 19-03.4-03, Cass County, North Dakota, on September 15, 2003, in

Court File Number 09-03-K-02079, did knowingly possess in and affecting commerce ammunition, specifically, one round of Winchester 9mm ammunition;

In violation of Title 18, United States Code, Sections 922(g)(1), 924(a)(2), and 924(e)(1) and (2).

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COUNT TEN

**Witness Tampering**

The Grand Jury Further Charges:

On or about October 26, 2006, in the District of North Dakota and elsewhere,

RENE ENRIQUE ZENDEJAS, a/k/a RICKY SHAW,  
a/k/a JOSE ENRIQUE ZENDEJAS, a/k/a ALBERTO JUAREZ ZENDEJAS,  
a/k/a ENRIQUE JOSE ZENDEJAS, a/k/a RENE ZENDEJAS,

used physical force and the threat of physical force with the intent to influence, delay,  
prevent, and to withhold testimony of any person in an official proceeding;

In violation of Title 18, United States Code, Sections 1512(a)(2)(A) and (B).



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COUNT ELEVEN

**Possession with Intent to Distribute a Controlled Substance**

The Grand Jury Further Charges:

On or about November 7, 2006, in the District of Minnesota,

ALBERTO CHAHIA, a/k/a CHINGONE, and  
RUBEN AARON NIETO JR, a/k/a GOBLIN,

knowingly and intentionally possessed with intent to distribute approximately

119.72 grams of methamphetamine, a Schedule II controlled substance;

In violation of Title 21, United States Code, Section 841(a)(1), and Title 18,  
United States Code, Section 2.

COUNT TWELVE

**Money Laundering Conspiracy to Conceal and Disguise Nature, Location,  
Ownership, and Control of Proceeds of Specified Unlawful Activity**

The Grand Jury Further Charges:

From on or about January 1, 2006, and continuously until the date of this Second  
Superseding Indictment, in the Districts of North Dakota, Minnesota, and elsewhere,

RENE ENRIQUE ZENDEJAS, a/k/a RICKY SHAW,  
a/k/a JOSE ENRIQUE ZENDEJAS, a/k/a ALBERTO JUAREZ ZENDEJAS,  
a/k/a ENRIQUE JOSE ZENDEJAS, a/k/a RENE ZENDEJAS; and  
RENDELL RAE KLEIN

did knowingly and willfully combine, conspire, confederate, and agree together with  
others to commit an offense against the United States, specifically, to violate  
Title 18, United States Code, Section 1956(a)(1)(B)(i), in that members of the conspiracy  
did knowingly and willfully conduct and attempt to conduct financial transactions  
affecting interstate commerce as described below, which involved the proceeds of a  
specified unlawful activity, that is, the distribution of controlled substances in violation of  
Title 21, United States Code, Sections 841(a)(1), et seq., knowing that the transactions  
were designed in whole and in part to conceal and disguise the nature, location, source,  
ownership, and control of the proceeds of the said specified unlawful activity, in violation  
of Title 18, United States Code, Section 1956(h).

Overt Acts

In furtherance of this conspiracy and to effect and accomplish the objects of it, one or more of the conspirators committed the following overt acts:

1. During the course of and to further said conspiracy, members of the conspiracy gathered United States currency together that was derived from the sale of controlled substances in North Dakota and elsewhere.

2. During the course of and to further said conspiracy, members of the conspiracy purchased the following vehicles:

1. A maroon 2001 Pontiac Grand Prix VIN #1G2WP52K3YF127940  
on July 15, 2006, in Moorhead, Minnesota;

2. A white 2001 Chevrolet Suburban VIN #1GNFK16T81J199460  
on September 12, 2006, in West Fargo, North Dakota; and

3. A black 1999 Chevrolet Silverado pickup VIN #1GCEK19T4XE169325  
on September 20, 2006, in West Fargo, North Dakota.

3. A purpose of purchasing these vehicles was to conceal and disguise the nature, location, source, ownership, and control of the proceeds;

In violation of Title 18, United States Code, Section 1956(h).

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A TRUE BILL:

/s/ Grand Jury Foreperson\_\_\_\_\_

Foreperson

/s/ Drew H. Wrigley\_\_\_\_\_

DREW H. WRIGLEY

United States Attorney

CCM:ld